

**MINUTES OF FORENSIC LABORATORY ADVISORY COMMITTEE (FLAC)
MEETING**

Friday, April 26, 2013 10:00 A.M.

Maryland State Police Forensic Sciences Division Laboratory
221 Milford Mill Road
Pikesville, MD 21208

Members in Attendance:

Patricia Nay, M.D., Acting Director OHCQ (Chairperson)
Robert Myers, Ph.D., DHMH Director of the Laboratories Administration, Ex officio
Richard S. Frank, ASCLD/LAB (2013)
Yale Caplan, Ph.D., American Academy of Forensic Sciences (2015)
Lt Scott Canter, (for Irvin Litofsky), Assistant Director Baltimore County Police Dept Laboratory (2015)
Francis Chiafari, Director Baltimore City Police Dept Laboratory (2013)
Teresa Long, Director Maryland State Police Forensic Sciences Division (2014)
Karin Athanas, American Association for Laboratory Accreditation (A2LA) (2014)

Members Unable to Attend:

Elissa Passiment, American Society for Clinical Laboratory Science (2015)
Kimberly E. Walker, Ph.D., American Society of Microbiology, University of Maryland School Of Medicine (2013)

DHMH Staff:

Renee Webster, OHCQ, Assistant Director
Theresa DeAngelo, OHCQ Coordinator of Forensic Laboratories Program
Maris Jaunakais, OHCQ Forensic Laboratory Surveyor

Non-Members in Attendance:

Pamela Shaw, QA Manager Baltimore City PD Laboratory
Ray Wickenheiser, Director Montgomery County Police Dept Laboratory Director
Jacqueline Raskin-Burns, QA Manager Montgomery County Police Dept Laboratory
Lynnett Redhead, DNA Technical Leader Prince George County Police Dept Laboratory
Wanda Kuperus, QA Manager Maryland State Police Forensic Science Division
William T. Vosburgh, D.D.S., Director, Prince George County Police Dept Laboratory
Daniel Katz, Deputy Director Maryland State Police Forensic Sciences Division

Quorum was established with 8 of 10 FLAC members in attendance.

AGENDA

I. Welcome and General Announcements

Chairperson Dr. Patricia Nay, Acting Director OHCQ, welcomed attendees, introduced herself and identified her position with the OHCQ, and commenced the meeting at 10 A.M. The 18 attendees also introduced themselves and identified the agency with which they are employed. Theresa DeAngelo, Coordinator of Forensic Laboratories Program made a motion to have the minutes of the November, 28,

2012 FLAC meeting approved. No objections were raised and the minutes were approved.

A. Reappointment of FLAC Committee Members

Yale Caplan, Ph.D., representing American Academy of Forensic Sciences (2015), Irvin Litofsky, Director Baltimore County Police Dept. representing a county forensic laboratory (2015), and Elissa Passiment, representing American Society for Clinical Laboratory Science (2015) were reappointed members of FLAC for a three (3) term.

B. Responsibilities of FLAC Committee per COMAR 10.51.02.01E

Portion of COMAR which states the responsibilities of the FLAC committee members was disseminated.

C. MD State Ethics Regulations/ Financial Disclosure Statement

Information about the new MD State Ethics Law that became effective October 1, 2012 was disseminated. The State Ethics Law addresses members serving on boards and commissions. The complete State Ethics Regulations can be found at web site:
<http://ethics.gov.state.md.us/Ethics%20Law.pdf>

It was noted that two different state agencies are in disagreement about whether Financial Disclosure forms must be completed by FLAC members. The three FLAC members that were recently reappointed had to complete the forms. OHCQ has requested clarification and guidance. A final response will be disseminated.

II. National Commission On Forensic Science - Federal Forensic Oversight

A. NIST and DOJ sign MOU

A handout was provided about the signed MOU that will partner both agencies as Co Chairs of the National Commission on Forensic Science. Additional information can be found at the NIST and NIJ web sites (<http://www.nist.gov/oles/doj-nist-forensic-science021513.cfm> and <http://www.justice.gov/opa/pr/2013/February/13-dag-203.html>). The National Commission on Forensic Science will consist of 30 members from different segments of the forensic science and the law enforcement communities and other relevant stakeholders. Members will serve without compensation.

B. Guidance Groups vs SWGs (~ 20 SWGs)

The intent is to federalize the Scientific Working Groups (SWG) into Guidance Groups. It was noted that NIJ currently provides funds for many of the SWGs meetings.

C. Impact on Crime Labs / Examiners

The goal of the Commission appears to be to have all crime labs accredited and all forensic examiners to be certified. A white paper from a Congressional meeting related to the National Commission on Forensic Science and initiated by Senator Patrick Leahy, Chairman of the Senate Judiciary Committee, held late last year has not yet been disseminated. Release date was suppose to have been end of 2012.

D. Potential Timeline

Application for membership to the Commission closed March 25, 2013. However, selection status has not been disclosed. No other timeline information has been established.

III. Expert Witnesses and Letters of Permit Exception

A. Defense Drug Chemistry Expert – Joseph Bono

An update was given regarding intervention efforts concerning Assistant Defense Attorney Andrew Northrup and the expert witness Mr. Joseph Bono not having a MD State Letter of Permit Exception. The intervention helped limit the defense expert's testimony to only explaining the "importance and relevance of calibration documents in drug case reviews."

B. Defense GSR Expert – John Kilty

Testimony in a Howard County GSR case will have a prosecution expert witness testify next week. A defense GSR expert is scheduled to testify. This person is not state licensed although efforts to notify him of state licensing regulations by certified mail have not been fruitful.

It was noted the OHCQ is not trying to prevent an expert from testifying. Rather, the efforts are focused on having experts be in compliance with state regulations.

OHCQ appreciates having these matters brought to their attention.

IV. MD State Legislative Session 2013

Information summarizing the recent MD State bills that were introduced were disseminated and briefly reviewed.

Recommendation was made that the FLAC Members continue to be kept informed by OHCQ of bills affecting the forensic science community.

V. MD Drug Chemistry Workgroup – Update

A summary of the workgroup's efforts were discussed about the need to update/revise the 10.10.09 manual to include synthetic drugs, etc., The latest proposed amendments to 10.10.09 adopted by the Workgroup during the April 18, 2013 meeting were disseminated. A deadline date of May 31, 2013 has been established for FLAC members to comment in this matter.

This Workgroup intends to be proactive in addressing problems of new unscheduled street drugs. The next meeting later this summer will review new drug trends to determine if new legislation should be proposed for next year's legislative session.

VI. Public Information Act (PIA) Workgroup – Update

The workgroup met to address discovery motions made by the Office of Public Defenders to laboratories performing DNA examinations. It appears that most discovery motions are made to DNA labs. Comments were voiced about what labs believe to constitute DNA Contamination Logs. Minutes of the Public Information Act (PIA) Workgroup meeting will be distributed via email.

VII. Lab Director Qualifications

Current qualifications of a Lab Director of a licensed forensic laboratory were discussed. The question was raised **“Should the academic degree and experience criteria for a multi-discipline forensic laboratory also apply to a forensic laboratory that only performs latent print identifications?”** There are 4 labs that only perform latent print processing, comparisons, and MAFIS searches and identifications and directly support the local crime scene processing group. It was noted that none of these 4 labs were represented at this meeting.

After much discussion, the FLAC Committee agreed that the requirement to have all laboratories headed up by a Laboratory Director with a Master’s degree be maintained, to include labs performing only latent print examinations.

The document listing the required qualifications of a Lab Director in a state license facility will be emailed to all.

VIII. Questions/ Issues Not Discussed

OHCQ disseminated and reviewed proposed Proficiency Testing forms and instructions. The forms would be used to monitor forensic lab Proficiency Testing programs to ensure and document compliance. After adoption, the forms will be available for download from the DHMH Forensic Laboratories web site, <http://dhmh.maryland.gov/ohcq/ForLabs/default.aspx> Comments were made about the need to revise some of the language contained within these forms. There were areas that mentioned all documents and the group requested that this language be changed and the request be better defined and more limited. A comment period about these forms ends May 31, 2013. Forms have been emailed to all.

IX. Goals and Subject of Next Meeting

Review proposed changes to 10.10.09 with the suggested edits (reminder: to be completed and sent back to OHCQ by May 31, 2013). Review proposed changes to Proficiency Test Documents (reminder: to be completed and sent to OHCQ by May 31, 2013).

X. Adjournment

Chairperson Patricia Nay suggested having the next FLAC meeting during the week of August 19, 2013.

Motion was made by Chairperson Patricia Nay to adjourn the meeting. Motion was approved. Meeting adjourned at 11:50 A.M.